



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 17 2004

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Carol A. Couch, Ph.D., Director
Georgia Department of Natural Resources
2 Martin Luther King, Jr. Drive, S.E.
Suite 1152 East Tower
Atlanta, Georgia 30334-9000

Re: Enforcement Discretion – Georgia’s Low Sulfur Fuel Program

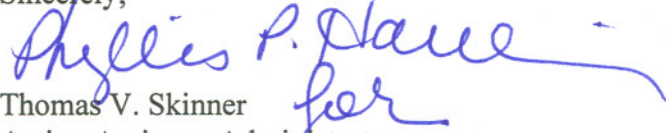
Dear Ms. Couch:

The Georgia Department of Natural Resources (GDNR) has informed the United States Environmental Protection Agency (“EPA”) that Hurricane Ivan has caused a shortage of gasoline that meets the low sulfur requirements of Georgia’s federally-approved state implementation plan (SIP) that covers the 45-county Atlanta-area market. See 67 Fed. Reg. 8200 (Feb. 22, 2002). The State of Georgia has informed EPA that it intends to exercise its enforcement discretion to allow the importation, distribution and sale of gasoline that does not meet the low-sulfur requirements of Georgia’s federally-enforceable SIP. In view of our analysis of the current supply situation in the Atlanta area market, EPA will also exercise enforcement discretion to allow regulated parties to produce, import, distribute and sell gasoline that does not comply with Georgia’s federally-approved SIP. This exercise of enforcement discretion will be effective immediately and will end at midnight on September 24, 2004. However, retail outlets or wholesale purchase-consumers that receive conventional gasoline with a sulfur content that exceeds the requirements of Georgia’s federally-enforceable SIP under the terms of this waiver may continue selling or dispensing these fuels after this date, until their supplies are depleted. If the shortage is expected to continue past September 24, 2004, we should be provided with forty-eight hours advance notice.

This exercise of enforcement discretion does not relieve any person from any other requirements governing conventional gasoline, including the anti-dumping regulations set forth in 40 C.F.R. Part 80, Subparts D. To the extent practicable, regulated parties must take all reasonable steps to provide compliant gasoline to the Atlanta area. Thus, regulated parties must use compliant gasoline that is available before using any non-compliant gasoline, and regulated parties who transport gasoline into the area covered by the low sulfur gasoline requirements of Georgia’s SIP must take reasonable steps to transport enough compliant gasoline to meet expected demands.

Finally, If you have questions, please call Mr. George Lawrence, Chief, Mobile Source Enforcement Branch, at (202) 564-1307, or Erv Pickell, Fuels Team Leader, at (303) 236-9506.

Sincerely,

A handwritten signature in blue ink, appearing to read "Thomas V. Skinner", with a long horizontal flourish extending to the right.

Thomas V. Skinner
Acting Assistant Administrator